

**UNITED STATES DISTRICT AND BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO**

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Cameron S. Burke
Court Executive/Clerk of Court

November 29, 2004

MEMORANDUM

TO: Members of the Bar and Public

FROM: Cameron Burke, Court Executive

SUBJECT: Amendments to Federal Rules of Procedure

Congress has taken no action on the amendments to the Federal Rules of Bankruptcy and Criminal Procedure approved by the Supreme Court on April 26, 2004. Accordingly, the following amendments to the rules and forms will take effect on December 1, 2004:

- Bankruptcy Rules 1011, 2002, and 9014;
- Criminal Rule 35,
- Rules Governing § 2254 Cases in the United States District Courts,
- Rules Governing § 2255 Cases in the United States District Courts, and
- Forms accompanying the § 2254 and § 2255 Rules.

A summary of the amendments and links to the text is reflected on the attached page.

SUMMARY OF FEDERAL RULE CHANGES

Effective December 1, 2004

Bankruptcy Rules:

- [Rule 1011](#) - Responsive Pleading or Motion in Involuntary and Ancillary Cases. This is a technical amendment that deletes crossreference to Bankruptcy Rule 1004(b).
- [Rule 2002](#) - Notices to Creditors, Equity Security Holders, United States, and United States Trustee. This is a technical amendment that sets forth correct mailing address.
- [Rule 9014](#) - Contested Matters. This exempts contested matters from the mandatory disclosure provisions of Civil Rule 26.
- [Official Form 21](#) - Statement of Social Security Number. This implements proposed amendments to Bankruptcy Rule 1007, by requiring the debtor to submit a verified statement setting forth the full social security number with the clerk.

Criminal Rules:

- [Rule 35](#) - Correcting or Reducing a Sentence. This defines "sentencing" to mean the "oral pronouncement of the sentence".
- [Rules Governing Section 2254 Cases in the United States District Court](#) and [Accompanying Form](#) - Comprehensive style and substantive revision of the rules and form; and [Rules Governing Section 2255 Proceedings for the United States District Court](#) and [Accompanying Form](#) - Comprehensive style and substantive revision of the rules and form.

Evidence Rule: The Supreme Court returned the proposed amendment to Evidence Rule 804 without taking any action.

- [Rule 804](#) - Hearsay Exceptions; Declarant Unavailable. The prosecution must show "particularized guarantees of trustworthiness" when a declaration against penal interest is offered against an accused